

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7810 of 2023

Petitioner :- Mujeeb Alias Munna And Another

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home, Civil Sectt. Lko. And Others

Counsel for Petitioner :- Shiv Pal Singh, Ambrish Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report dated 25.009.2023 lodged by opposite party No.4 in F.I.R. /Case Crime no.272/2023, under Sections 147, 148, 149, 307, 336, 342, 356, 323, 506 IPC, Police Station Kursi, District Barabanki (so far it relates with the petitioners), as contained in Annexure No.1 to the writ petition."

Learned counsel for the petitioners at the very outset states that petitioner no.2 has since been arrested, therefore, he wishes to not press this petition in so far as the petitioner no.2 is concerned. He prays for relief in so far as petitioner no.1 is concerned.

Accordingly, the writ petition is *dismissed* in so far as the petitioner no.2 is concerned.

Learned A.G.A. has produced before this Court instructions and the copy of the Case Diary including medical examination report of several victims.

From a perusal of such Case Diary and the instructions sent by Sri Chandrakant Singh, Sub Inspector, Police Station Kursi, District Barabanki, it cannot be said that no incident at all occurred,

as has been alleged in the F.I.R. There was an altercation which has resulted into injuries.

Instructions are kept on record. The Case Diary is returned to learned A.G.A..

After having examined the submissions advanced by learned counsel for the parties and perused the impugned F.I.R., we are of the opinion that the impugned F.I.R. discloses cognizable offence by the petitioner, hence, no interference is called for by this Court in its extraordinary power under Article 226 of the Constitution of India for quashing of the F.I.R. or for grant of any interim relief to the petitioner and accordingly, the present writ petition is ***dismissed***.

Order Date :- 10.10.2023

Rahul